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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,260	08/25/2003	Anand G. Dabak	TI-35237	7206
23494 7590 12/28/2007 TEXAS INSTRUMENTS INCORPORATED P O BOX 655474, M/S 3999 DALLAS, TX 75265			EXAMINER PHAN, MAN U	
			ART UNIT 2619	PAPER NUMBER
			NOTIFICATION DATE 12/28/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@ti.com  
uspto@dlemail.itg.ti.com

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/649,260

Applicant(s)

DABAK ET AL.

Examiner

Man Phan

Art Unit

2619

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 10 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached note.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

*Advisory Action*

1. The affidavit, exhibit or request for reconsideration has been considered but does not place the application in condition for allowance because:

Applicant's arguments are not persuasive. It's the examiner's position that the reference is applied herein for the teaching of a novel method and system for receiving transmission in a wireless communication system. As presented in the last office action, the Applicant's attention is directed to Fig. 1 of Nakamura et al. (US#6,920,173) for the structure of an interference cancellation unit 200 includes a despreader 201 for multiplying a receive signal S by a despreading code that is identical with the spreading code, thereby outputting a despread signal; a demodulator 202 for demodulating "1", "0" of user data and control data on the basis of the result of despreading; an attenuator 203 for attenuating the demodulated signal by multiplying the result of demodulation by a damping coefficient that conforms to the degree of reliability; a re-spreader 204 for spreading the demodulated signal again to thereby output an interference replica; and a symbol-replica interface 205 for creating and sending a symbol replica (Col. 12, lines 40 plus). In the same field of endeavor, Kim (US#6,810,007) discloses in Fig. 1B a block diagram of an orthogonal frequency division multiplexing (OFDM) receiving system for receiving a signal transferred from the transmission system of Fig. 1A. The receiving system of Fig. 1B includes an LPF 110, an analog-to-digital converter (ADC) 111, a cyclic prefix remover 112, an FFT 113, a Q-ary demodulator 114, a parallel-to-serial converter (PSC) 115, and a block decoder 116. The LPF 110 in the receiving system filters the transmitted OFDM signal at the same frequency band as the LPF 106 of the transmission system. The ADC 111 converts a filtered signal into a digital signal, and the cyclic prefix

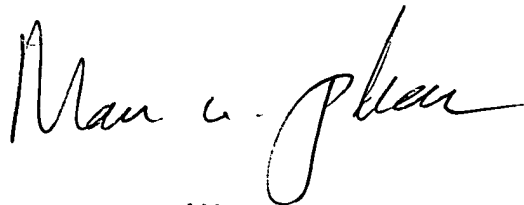
remover 112 removes the cyclic prefix added in the transmission system. The FFT 113, the Q-ary demodulator 114, the PSC 115 and the block decoder 116 perform inverse processes of the processes performed by the counterparts of the transmission system, thereby restoring an OFDM signal (See Fig. 2A; Col. 3, lines 39 plus).

Applicant argument with respect to the rejected claims 1, 16 that *"as stated in Applicant's specification, the despreader reduces the spectral space consumed by the received signal, so that the OFDM demodulator can operate on a smaller amount of information, thus reducing the number of computations required to perform the OFDM demodulation"* (Remark – pages 7-8). However, It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner maintains that the references cited and applied in the last office actions for the rejection of the claims 1-26 are maintained in this office action. The final rejection mailed on October 09, 2007 is therefore maintained.

Mphan.

12/19/2007

A handwritten signature in black ink, appearing to read "Man U. Phan", written in a cursive style.

MAN U. PHAN  
PRIMARY EXAMINER